

Abstract

Transnational organised fisheries crime as a maritime security issue

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This presentation at the UN Consultative Process on Oceans and the Law of the Sea examines the sea transport of *illegal, unregulated and unreported (IUU) catches of fish*, particularly in relation to recent efforts to strengthen maritime security.

IUU fishing is fishing which does not comply with national, regional or global fisheries conservation and management obligations. Such fishing may take place within and outside zones of national jurisdiction. With the increasing demand for fishery products and the decline of fishery resources, the increasing incidence of IUU fishing has been of great concern to responsible fishing nations and coastal states. To conceal their illegal origin, catches are often transported along complex routes before they reach their final market, including transshipments at sea, landings in "ports of convenience" and processing in a country that is neither the flag state nor the market state.



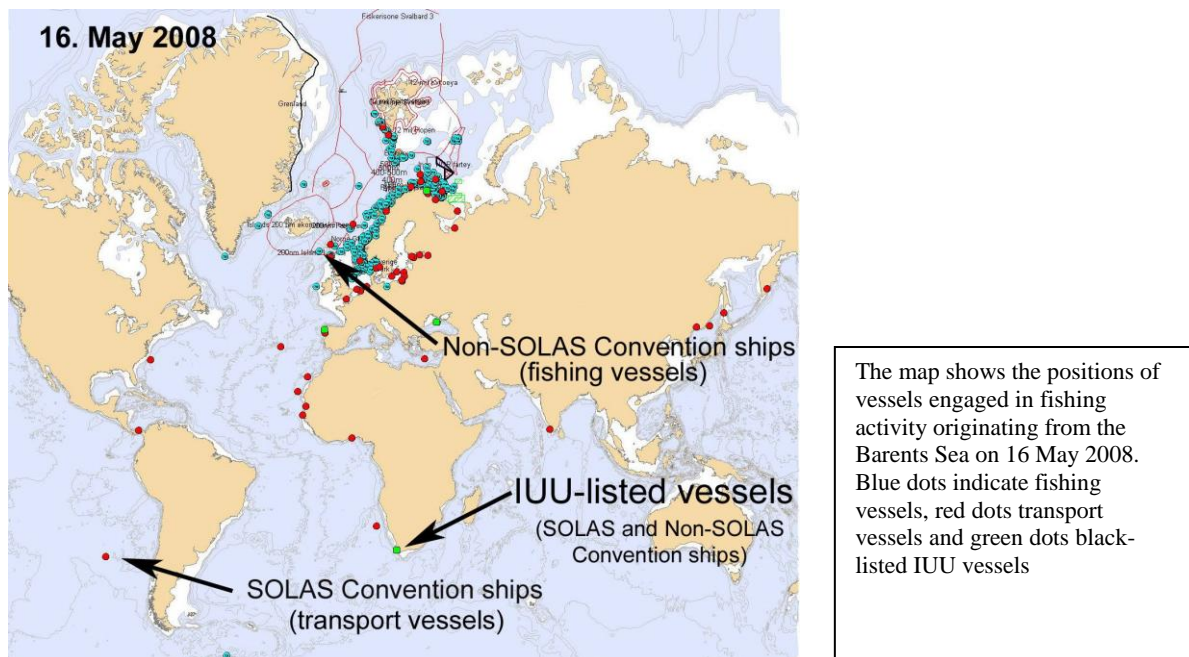
The map illustrates the transport of fish from the Barents Sea to other parts of the world by suspected IUU vessels.

Large-scale organised IUU fishing is often conducted by global criminal networks that operate in all waters and under many different jurisdictions. A good example of the complexity of IUU fishing is provided by the South African abalone fishery, which has links to international criminal syndicates. According to a report funded by the European Union and the Southern African Development Community, South African abalone is being shipped out of the country and drugs smuggled into the country. It is apparent that abalone poaching is only one component in a crime-based chain of events stretching from the actual poaching to theft and prostitution to pay for the drugs when they reach the streets of South Africa. There are many similar cases where

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fishing vessels, transport vessels and other ships operate together illegally to commit various types of maritime crime, including IUU fishing.

In order to enhance maritime security and combat IUU fishing, it is important to know which types of vessels are involved in such activities. Maritime security issues are mostly dealt with in IMO, and new measures such as the ISPS Code apply only to SOLAS Convention ships. Traditional fishing vessels are not covered by the SOLAS Convention and fishing vessels is largely outside of maritime security discussions in IMO. However, this does not mean that IMO is not relevant in relation to fishing activities. Large-scale transport of fish is usually carried out by transport vessels that are covered by the SOLAS Convention. In addition, regional fisheries management organisations (RFMOs) list a number of SOLAS ships as IUU vessels.² IUU vessels are subject to port state measures, and in the North East Atlantic Fisheries Commission's area, for example, listed IUU vessels are not allowed into port.



IMO has adopted many security measures that apply to SOLAS ships, such as the ISPS Code. The Code is a comprehensive set of measures designed to enhance the security of ships and port facilities, primarily against terrorist attacks.

One of the fundamental features of the ISPS Code is that ISPS-compliant ships are entitled to enter ISPS terminals provided that they follow the correct procedures. Sometimes ISPS ships have to interact with ships that are not covered by the ISPS Code, and interactions between ISPS ships and fishing vessels take place on a daily basis. For example, specialised transport vessels tranship fish from fishing vessels and transport it to its final destination. Sometimes these activities involve IUU fish and are carried out in secrecy. Since these vessels may, voluntarily or involuntarily, be involved in transnational organised crime, information about such interactions should be of interest to ports in the context of the ISPS Code. In July last year, the secretariats of IMO and FAO met to discuss cooperation in the field of IUU fishing and agreed that IMO's work on security issues related to non-SOLAS ships could be relevant in this context.

² For more information, see <http://www.neafc.org/>.

IUU fishing can no longer be considered purely as a management problem. We need to look at large-scale, damaging IUU fishing as a criminal phenomenon that results in a less secure maritime environment. In order to combat IUU fishing, communication between port states, coastal states and flag states must be improved. Furthermore, the role played by some SOLAS vessels in IUU fishing demonstrates the importance of cooperation between IMO and FAO. And finally, international police cooperation is crucial for dealing with all forms of transnational crime, and IUU fishing is no exception.